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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/721,349	11/26/2003	Massimo Canali	Q78653	6142
23373 7590 07/13/2007 SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037			EXAMINER DAM, KIM LYNN	
			ART UNIT 2179	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/721,349

Applicant(s)

CANALI ET AL.

Examiner

Kim-Lynn Dam

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 April 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 5-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 5-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This office action is in response to the Amendment and Arguments/Remarks filed on 4/19/07.
2. Claim 4 has been cancelled, claims 1-3 were amended and new claims 9 and 10 were added. Claims 1-3, and 5-10 are now pending.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claim 10 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claim 10 recites "Zero Installation Client (ZIC) web-oriented customizable GUI". There is lack of written description in the originally filed specification (Page 2, lines 1-4) merely states "The proposed solution is based on the usage of XML...and processing technology as a common data representation to achieve ZIC (Zero Installation Client), web-oriented, zero developmental cost customizable GUIs." without any further description.

In the principle of compact prosecution, examiner has treated such limitations "ZIC" will be treated as equivalent to any known MIB browser (Web/Internet browser

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used on a personal/client computer) presently on the market that can operate without the need to have preloaded software tools, as Applicant admitted (Page 12, 2nd paragraph).

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "the specific application" in line 13-14 of the claim. There is insufficient antecedent basis for this limitation in the claim. Appropriate correction is required.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

8. Claims 1-3, 5-9 are rejected under 35 U.S.C. 102(a) as being anticipated by "Specification of a MIB XML for Systems Management" by Soares.

Regarding claim 1, Soares disclosed a method for creating a Graphical User Interface (GUI), starting from a protocol dependent Management Information Base (MIB) browser and an Element Manager-Network Manager (EM-NM) interface model, comprising the following steps:

at an Element Manager Level (EML), acting as an HTTP server, making a syntactical conversion from a specific protocol dependent MIB model language into a generic extensible Markup Language (XML) model (Abstract; Page 8, left-hand column, lines 9-13; Figure 1; See also response II. below);

the retrieving said syntactical conversion from the GUI through a WEB browser, wherein said WEB browser acts as an HTTP client (Page 5, right-hand column, Section 5, lines 10 to Page 6, left-hand column, line 1; Figures 7 and 8; Section 4.2 XML file; Section 4.5 XML-MIB mapping; See also response II. below);

when retrieved, parsing said syntactical conversion by is using a specific XML Scheme (Page 6, right-hand column, lines 4-8; Page 8, left-hand column, lines 26-29; See also response III. below), and

wherein said WEB browser is a generic manager application which downloads, from said HTTP server, the XML Scheme to be used to decode the specific application MIB description (Page 6, left-hand column, lines 4-12; Figure 1, See also response IV. below).

Regarding claim 2, Soares disclosed a method according to claim 1, wherein said WEB browser further comprises:

displaying a MIB representation provided by an agent application, thereby implementing an HTTP server side of a network device or of a manager communication channel (Page 5, right-hand column, Section 5, lines 10 to Page 6, left-hand column, line 1; Figure 8); and

reporting the events which are sent from said server using the XML-based protocol method (Page 5, right-hand column, Section 5, lines 10 to Page 6 line 4),

Regarding claim 3, Soares disclosed a telecommunication system comprising:

A device adapted to act as an HTTP server (Page 5, right-hand column, Section 5, lines 1-10; Figure 1; See also response II. below), and

a WEB browser adapted to act as an HTTP client (Page 5, right-hand column, Section 5, lines 10 to Page 6, left hand column, line 1; Figure 7; Section 4.2 XML file; Section 4.5 XML-MIB mapping; See also response II. below);

wherein the device is further adapted to perform a syntactical conversion from a specific protocol dependent MIB language model to a generic XML model (Abstract; Page 8, left-hand column, lines 9-13; See also response II. above); and

in that the WEB browser is further adapted to retrieve the syntactical conversion and to parse the retrieved syntactical conversion (Page 6, right-hand column, lines 4-8; Page 8, left-hand column, lines 26-29; See also response III. Above) using a specific extensible markup language Scheme downloaded from the HTTP server (Page 6, left-hand column, lines 4-12; Figure 1, See also response IV. below).

Regarding claim 5, Soares disclosed a computer program comprising computer program code means adapted to perform all the steps of claim 1, when said program is run on a computer (Abstract; Page 5, right-hand column, Section 5, line 1 to page 6 line 12).

Regarding claim 6, Soares disclosed a computer program comprising computer program code means adapted to perform all the steps of claim 2, when said program is run on a computer (Abstract; Page 5, right-hand column, Section 5, line 1 to page 6 line 12).

Regarding claim 7, Soares disclosed a computer readable medium having a program recorded thereon, said computer readable medium comprising computer program code means adapted to perform all the steps of claim 1, when said program is run on a computer (Abstract; Page 5, right-hand column, Section 5, line 1 to page 6 line 12).

Regarding claim 8, Soares disclosed a computer readable medium having a program recorded thereon, said computer readable medium comprising computer program code means adapted to perform all the steps of claim 2, when said program is run on a computer (Abstract; Page 5, right-hand column, Section 5, line 1 to page 6 line 12).

Regarding claim 9, these limitations have already been discussed in claim 1, and wherein generic XML model (MIB.XML) permitting upload at the GUI (Section 5, "enables other computer access").

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

10. Claim 10 is rejected under 35 U.S.C. 103(a) as being obvious over "Specification of a MIB XML for Systems Management" by Soares in view of Applicant's admission.

Regarding claim 10, the rejection of claim 1 is incorporated and further Soares did not specifically disclose wherein said GUI comprises a Zero Installation Client (ZIC) web-oriented customizable GUI. However, this limitation is obvious in view of Applicant's own admission that any known MIB browser (Web/Internet browser used on a personal/client computer) presently on the market can operate without the need to have preloaded software tools, as Applicant admitted (Remarks, Page 12, 2nd paragraph).

Response to Arguments

11. Applicant's arguments filed 4/25/07 have been fully considered but they are not persuasive.

Applicant is reminded that any citation to specific, pages, columns, lines, or figures in the prior art references and any interpretation of the references should not be considered to be limiting in any way. A reference is relevant for all it contains and may be relied upon for all that it would have reasonably suggested to one having ordinary skill in the art. In re Heck, 699 F.2d 1331, 1332-33, 216 USPQ 1038, 1039 (Fed. Cir. 1983) (quoting In re Lemelson, 397 F.2d 1006, 1009, 158 USPQ 275, 277 (CCPA 1968)).

I. Regarding arguments on Page 11, 1st paragraph, Examiner respectfully disagrees as Soares' inherently teaches a method for creating a GUI, as his MIB's mapping for XML (converted MIB) is an elaborated Web application for system management, that demonstrates utilization of documents in the content-information-presentation, i.e., XML,

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which enables other computer access through the use of his protocol using a known Web browser (GUI). See Soares, section 5.

II. Regarding arguments on Page 11, 2nd paragraph, Applicant asserts that "there is no teaching or suggestion of making a syntactical conversion at an Element Manager Level as claimed". However, contradictory to Applicant's assertion, Applicant acknowledges in Paragraph 1 that Soares discloses "the mapping from MIB to an SML document". Further, Soares is directed to a solution based on XML for a system and being multi-platform, which allows management of heterogeneous systems (Introduction, lines 9-12). It should be noted that the "mapping" manner of Soares is indeed equivalent to Applicant's so-called "syntactical conversion". Soares states "The mapping from MIB to XML document follows some rules (syntax)...the script file is created to associate...the DTD file (syntax)...the collect file is created to represent the MIB...the XXML file is created from the DTD file using the script (contents) and collect (information files (generic MIB.XML file)..." (Abstract, and Figure 1, where SML-SNMP mapping outline and related text provides a means for mapping, translating, and/or converting four possibilities of MIB, in that SNMP-XML and/or XML-MIB mapping/translating/converting have been implemented so that converted MIB ex. Generic MIB.XML file, would serve as an HTTP server, at an EML). (Also, see section 4.2 SML file, section 4.5 XML-MIB mapping, and section 5)

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III. Regarding arguments on page 11, 3rd paragraph, Applicant asserts that "there is no teaching or suggestion of an XML scheme in the aspects of Soares". However, such XML schema has been considered by Soares. Applicant is directed to Section 4.1 DTD file, where Soares disclosed "It used DTD because of its simplicity but could have used XML Schema" and Section 6 Conclusions, where Soares disclosed "deficiencies which can be solved with use of SML Schema".

IV. Regarding arguments on page 12, 3rd paragraph, Applicant claims "Soares appears to teach away...does not employ the functionalities of an HTTP server which could be in an agent..." As discussed in examiner's response in II. below, Soares in fact implements such a protocol, see figure 1 and Section 5 Application, where "an XML agent, acting as a server". Furthermore, as Applicant admitted "Such an XML language is understandable by any MIB browser presently on the market. Therefore a personal computer or work station can operate as a network manager, without the need to have preloaded software tools." (Page 12, 2nd paragraph). Applicant also asserts that "Soares has nothing to do with the present invention, therefore Soares does not teach or suggest the claimed elements." It should be noted that contradictory to this assertion, as noted in above response in II. above, Applicant already acknowledged that Soares discloses the mapping/converting technique from MIB to XML document and directs his solution based on XML for system management being multi-platform which is very much the same problem-solution that Applicant is pursuing. Also, when there is a known MIB browser (Web or Internet browser) presently on the market for XML

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documents so that such a personal computer or work station can operate as a network manager, without the need to have preloaded software tools, then one would reasonable submit that when such an XML, generic XML (MIB.XML) file being presented and/or retrieved through a typical known Web browser ex. (without the need to have preloaded software tool), and even when an XML Scheme is needed, then it would have been apparent to one skilled in the art to implement a download version of such an SML Scheme for parsing and/or operating with the retrieved XML file.

VII. Regarding arguments on Page 13 with respects to claim 2, see examiner's response in IV above.

Conclusion

12. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kim-Lynn Dam whose telephone number is (571) 270-1408. The examiner can normally be reached on M-TH 8:00-5:30, every other Friday 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on (571) 272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Kim-Lynn Dam


WEILUN LO
SUPERVISORY PATENT EXAMINER